

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Nancy Segui, Individually and as Natural)
Parent and Guardian of Minor, J.J.,) Civil Action No. 3:18-cv-03274-MGL
Plaintiff,)
vs.)
Stephen Allen Staffey and V3)
Transportation, LLC, Jointly and Severally)
Defendants.)
NOTICE OF REMOVAL

YOU WILL PLEASE TAKE NOTICE that the Defendants, Stephen Allen Staffey (“Staffey”) and V3 Transportation, LLC, (“V3”)(herein collectively referred to as “Defendants”), by and through their undersigned attorneys, hereby provide notice pursuant to 28 U.S.C. § 1446 of the removal of the above-captioned case from the Richland County Court of Common Pleas to the United States District Court for the District of South Carolina, Richland Division.

The Court has removal jurisdiction under 28 U.S.C. §§ 1332(a) and 1441(a) because there is complete diversity of citizenship between the parties and the matter in controversy has the potential to exceed \$75,000.00. In support of removal, Defendants would assert as follows:

BACKGROUND

1. On October 30, 2018, Plaintiff Nancy Segui (hereinafter “Plaintiff”), a resident of York County, State of South Carolina, filed her Summons and Complaint in the Richland County Court of Common Pleas against Defendants. Plaintiff’s Summons and Complaint (hereinafter the “lawsuit”) are attached hereto as Exhibit A and incorporated herein by reference. Defendants received their copy of the lawsuit on or about November 5, 2018 via certified mail. Defendants have filed no other pleadings or papers in the lawsuit and the time for Defendants to answer, move or otherwise plead to the lawsuit has yet to expire.

2. Under 28 U.S.C. § 1446(b), this Notice of Removal must be filed within thirty (30) days of service of the lawsuit. Because Defendants were served on November 5, 2018, this Notice of Removal is timely.

3. Concurrent with the filing of this Notice, Defendants are serving this Notice on counsel for Plaintiff and filing a copy of the Notice with the Clerk of Court for Richland County, State of South Carolina. No previous application has been made for this or similar relief. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

4. The United States District Court for the District of South Carolina, Columbia Division, embraces the County in which the lawsuit was brought. Venue is therefore proper for this Notice of Removal under 28 U.S.C. §§ 88 and 1446(a).

JURISDICTION AND ARGUMENT

5. Plaintiff alleges that she is a citizen of the State of South Carolina in Paragraph 1 of her Complaint. Further, in Paragraphs 2 and 3 of her Complaint, she alleges that Defendant Staffey is a citizen of the State of Georgia and that Defendant V3 Transport is a limited liability company registered in the State of Ohio. This Court has original jurisdiction under 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between the parties.

6. In Paragraphs 13 and 14 of the Complaint, Plaintiff alleges significant physical injuries to both she and the minor child as a result of the accident. She further alleges that the injuries are of a permanent nature and that she and the minor child will continue to incur substantial medical expenses in the future as well as future wage loss. In addition to actual damages, Plaintiff seeks punitive damages and such other and further relief as the Court may deem just and proper. As such, Defendants submit the amount in controversy meets the threshold for diversity jurisdiction.

PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN MET

7. Plaintiff served Defendant V3 Transport and Defendant Staffey on November 5, 2018. The suit was filed on October 30, 2018. Thus, the filing of this notice of removal is timely.

8. Venue for this removal is proper in the United States District Court for the District of South Carolina, pursuant to 28 U.S.C. §1391, as the original suit is pending within the jurisdictional territory of this Court.

9. As per 28 U.S.C. §1446(a), attached as Exhibit "A" is a copy of the state court record which was filed in the State of South Carolina, Richland County.

CONCLUSION

For the reasons set forth above, Defendant V3 Transportation, LLC and Defendant Stephen Allen Staffey respectfully request that the Court remove the above-captioned matter now pending against them in the South Carolina Court of Common Pleas, Richland County, to the United States District Court for the District of South Carolina, Columbia Division, wherein it shall proceed as an action originally commenced therein.

Respectfully submitted,

VERNIS & BOWLING OF COLUMBIA, LLC

s/Joseph P. Bias

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